

## REMARKS

1. This Response To And Amendment After First and Non-Final Office Action made under 37 C.F.R. § 1.111 (hereafter "the Amendment") is being mailed by United States Express Mail, Express Mail Label No. EV 312734231 US, in a postage paid envelope addressed to Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 20, 2004.

2. The shortened statutory period of three (3) months time period for response to the First Office Action expired on April 26, 2004. The Applicant has enclosed with this Amendment a Petition and Fee Extension of Time under 37 C.F.R. § 1.136 to request an extension of time of three (3) month through July 26, 2004 for this Amendment to be timely filed. Accordingly, this Amendment is timely filed. In the event that the Commissioner for Patents should determine that any additional extension of time is required for this Amendment to be timely filed and an appropriate fee is due for that extension of time, then the Commissioner for Patents is hereby authorized to charge Deposit Account Number 18-2222 for such appropriate fee.

3. In this Amendment, Claims 1, 2 and 4–6 have been amended, and Claims 10–32 have been cancelled. The original ‘461 Application had thirty-two (32) total claims wherein six (6) were independent claims. The ‘461 Application now has nine (9) total claims wherein two (2) are independent claims. Accordingly, no additional filing fee is due. In the event that the Commissioner for Patents should determine that any additional fee is due, then the Commissioner for Patents is hereby authorized to charge Deposit Account Number 18-2222 for the appropriate fee.

1           4. The Examiner's rejection of Claims 1–4 and 15 under 35 U.S.C.  
2 § 112, second paragraph, is noted. Claim 1 has been amended to correct the  
3 typographical error "litem" to the correct spelling -- item-- at the last line.  
4 Claims 2–3 depend on Claim 1. Claim 15 has been cancelled. It is submitted that  
5 amended Claims 1–4 of the '461 Application is now allowable under 35 U.S.C.  
6 § 112, second paragraph. Accordingly, reconsideration and withdrawal of the  
7 rejection of Claim 1–4 under 35 U.S.C. § 112, second paragraph, are respectfully  
8 requested.

9  
10         5. The Examiner's rejection of Claims 10, 12–14, 16–18, 21, 23, 26, 28  
11 and 31 under 35 U.S.C. § 102(e) over United States Patent No. US 6,223,897 B1  
12 issued to Bordes on May 1, 2001 for "Method and Apparatus for Organizing and  
13 Storing Bills" (hereafter "*Bordes*") is noted. Claims 10, 12–14, 16–18, 21, 23, 26,  
14 28 and 31 have been cancelled.

15  
16         6. The Examiner's rejection of Claims 1, 4, 5, 8 and 9 under 35 U.S.C.  
17 § 102(b) over *Ruben* is noted but respectfully traversed.

18  
19         6a. While *Ruben* disclosed a foldable storage device with plurality  
20 of pockets for puzzle pieces, the device cannot be maintained in a folded condition  
21 until the main flap 28 is secured by respectively retaining the twistable tabs 32 in  
22 the eyelets 30. Furthermore, the pocket flap 22 in *Ruben* is wider than the top  
23 opening of the pocket and therefore cannot be tucked inside the pocket, as the  
24 pocket flap 22 is not used for the purpose of indicating whether the item(s) stored  
25 in the pocket is used or unused, but rather for the mere purpose of covering the  
26 respective pocket.

1                   6b. A “key novel feature of the present invention is the flexible  
2 indicating means **30** which can be tucked under the reusable item **2** to show the  
3 user that the reusable item **2** has not been used and can then be removed and placed  
4 over the reusable item **2** to show that the reusable item **2** has been used” (the  
5 original Specification of the ‘461 Application, page 9, lines 15–18). As clearly  
6 shown in Figure 2 of the ‘461 Application, each pocket flap **30** is sized to be  
7 narrower than the top opening **28** of the pockets such that the “indicating flag **30**  
8 can be moved over and cover the top opening **28** of the pocket **26** as shown or it  
9 can be tucked within the pocket **26** and underneath the cartridge **2**” (the original  
10 Specification of the ‘461 Application, page 8, lines 16–18). *Ruben* did not show  
11 this feature as the use of the pocket flap for indicating whether an item stored in the  
12 pocket is used or not is totally not contemplated by *Ruben*.

13  
14                   6c. Moreover, the invention disclosed in the ‘461 Application  
15 utilizes a first securing means (fasteners **44** and **46**) to keep the two folded sections  
16 **18** and **22** in a folded condition, and an additional second securing means  
17 (fasteners **42** and **48**) to affix the main flap **40** over the two folded sections. As  
18 shown in Figures 2 and 4 and further described in the original Specification of the  
19 ‘461 Application, “on the exterior surface **16** of the foldable panel **12**, a small loop  
20 or hook type fastener **42** located on the left section **18** and a strip of loop or hook  
21 type fastener **44** on the right section **22**. A mating strip of loop or hook type  
22 fastener **46** is located on the interior surface **14** of the foldable panel **12** and located  
23 on the left section **18** which corresponds and mates with the strip loop or hook type  
24 fastener **44**. A mating loop or hook type fastener **48** is located on the flap **40** which  
25 corresponds and mates with the small loop or hook type fastener **42**” (the original  
26 Specification of the ‘461 Application, page 8, line 27 to page 9, line 4). This  
27 double-closure security feature ensures that even if the main flap **40** is accidentally  
28 opened, the three folded sections **18**, **20** and **22** are still kept folded so that the

1 items stored inside will be safe. *Ruben* did not show this feature as there is only  
2 one securing means in *Ruben* (the tabs **32** and eyelets **30**) for locking the main flap  
3 **28** to keep the device in a folded condition, and if this only security means fails,  
4 then the folded sections **18**, **20** and **22** will unfold and expose the contents inside.  
5

6d. As discussed in detail above, there are two key features of the  
7 present invention that were not disclosed by *Ruben*. First, the present invention  
8 uses a first securing means (fasteners **44** and **46**) to keep the two folded sections **18**  
9 and **22** in a folded condition and an additional second securing means (fasteners **42**  
10 and **48**) to affix the main flap **40** over the two folded sections. Second, the present  
11 invention uses pocket flaps **30** that are sized to be narrower than the top opening **28**  
12 of each pocket **26** so that each pocket flap **30** can be tucked within the pocket **26**  
13 and underneath the item **2** stored therein to indicate whether the item **2** is used or  
14 not. Independent Claims 1 and 5 of the ‘461 Application have been amended to  
15 explicitly claim these novel features.

6e. Claims 1 and 5 of the ‘461 Application now claim that “two of  
the three sections are foldable onto a stationary section and having first means for  
securing said two folded sections in a folded condition”, and that each pocket “is  
also sized to be narrower than said top opening of said each pocket so that it can be  
tucked within said each pocket for respectively indicating which one of the  
reusable items contained therein have been used or not used”. Claim 4 depends on  
Claim 1 and Claims 8 and 9 depend on Claim 5. It is believed that these  
amendment will distinguish the present invention claimed in Claims 1, 4, 5, 8 and  
9 from the device disclosed in *Ruben*.

6f. For the reasons stated above, it is submitted that amended  
Claims 1, 4, 5, 8 and 9 of the ‘461 Application are allowable under 35 U.S.C.

1       § 102(b) over *Ruben*. Accordingly, reconsideration and withdrawal of the rejection  
2 of these claims under 35 U.S.C. § 102 over *Ruben* are respectfully requested.

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4       7.      The Examiner's rejection of Claims 10, 12–14, 16–18, 21, 23, 26, 28  
5 and 31 under 35 U.S.C. § 102(b) over *Ruben* is noted. Claims 10, 12–14, 16–18,  
6 21, 23, 26, 28 and 31 have been cancelled.

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8       8.      The Examiner's rejection of Claims 1–9 under 35 U.S.C. § 103(a)  
9 over *Bordes* in view of *Ruben* is noted but respectfully traversed.

10

11       8a.     *Bordes* disclosed an apparatus for organizing bills with multiple  
12 compartments each covered by a flap. However, the flaps **78** disclosed by  
13 *Bordes* were not designed nor intended to be used for the purpose of indicating  
14 whether the item placed in a respective compartment is used or not. Rather, as  
15 specified in *Bordes*, column 3, lines 3 through 18, the means utilized by *Bordes* to  
16 separate unpaid and paid bills were moving them between an outer partition **74** and  
17 an inner partition **76** of a compartment **70**, and the flap **78** was "provided to close  
18 compartment **70** and is made so as to not obscure viewing the contents of outer  
19 compartment section **74** when compartment **70** is 'closed.'" Nowhere does *Bordes*  
20 teach or suggest tucking the flap inside the compartment and behind an item placed  
21 in the compartment for indicating whether the item is used or not.

22

23       8b.     *Ruben* also disclosed a foldable storage device with plurality of  
24 pockets for puzzle pieces. However, the pocket flap **22** in *Ruben* is wider than the  
25 top opening of the pocket and therefore cannot be tucked inside the pocket, as the  
26 pocket flap **22** is not used for the purpose of indicating whether the item(s) stored  
27 in the pocket is used or unused, but rather for the mere purpose of covering the  
28 respective pocket.

1                   8c. What is missing from both *Bordes* and *Ruben* is the key novel  
2 feature of the present invention, which “is the flexible indicating means **30** which  
3 can be tucked under the reusable item **2** to show the user that the reusable item **2**  
4 has not been used and can then be removed and placed over the reusable item **2** to  
5 show that the reusable item **2** has been used” (the original Specification of the ‘461  
6 Application, page 9, lines 15–18). As explicitly shown in Figure 2 of the ‘461  
7 Application, each pocket flap **30** is sized to be narrower than the top opening **28** of  
8 the pockets such that the “indicating flag **30** can be moved over and cover the top  
9 opening **28** of the pocket **26** as shown or it can be tucked within the pocket **26** and  
10 underneath the cartridge **2**” (the original Specification of the ‘461 Application,  
11 page 8, lines 16–18). Neither *Bordes* nor *Ruben* show this feature as the function  
12 of the flap for indicating whether an item stored in a pocket is or is not used. This  
13 feature was not contemplated at all by *Bordes* or *Ruben*.

14  
15                   8d. In addition, the invention disclosed in the ‘461 Application  
16 utilizes a first securing means (fasteners **44** and **46**) to keep the two folded sections  
17 **18** and **22** in a folded condition, and an additional second securing means  
18 (fasteners **42** and **48**) to affix the main flap **40** over the two folded sections. As  
19 clearly shown in Figures 2 and 4 and further described in the original Specification  
20 of the ‘461 Application, “on the exterior surface **16** of the foldable panel **12**,  
21 a small loop or hook type fastener **42** located on the left section **18** and a strip of  
22 loop or hook type fastener **44** on the right section **22**. A mating strip of loop or  
23 hook type fastener **46** is located on the interior surface **14** of the foldable panel **12**  
24 and located on the left section **18** which corresponds and mates with the strip loop  
25 or hook type fastener **44**. A mating loop or hook type fastener **48** is located on the  
26 flap **40** which corresponds and mates with the small loop or hook type fastener **42**”  
27 (the original Specification of the ‘461 Application, page 8, line 27 to page 9, line  
28 4). This double-closure security feature ensures that even if the main flap **40** is

1 accidentally opened, the three folded sections **18, 20** and **22** are still kept folded so  
2 that the items stored inside will be safe.

3

4           8e. Neither *Bordes* nor *Ruben* has taught or even suggested  
5 showing this double-securing feature as there was only one securing means in  
6 *Bordes* (the zipper fastener **46**) and there was also only one securing means in  
7 *Ruben* (the tabs **32** and eyelets **30**) for keeping their respective devices in a folded  
8 condition.

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10           8f. Claims 1 and 5 of the '461 Application have been amended to  
11 claim explicitly these two key features of the present invention, *i.e.*, the use of  
12 pocket flaps **30** that are sized to be narrower than the top opening **28** of each  
13 pocket **26** so that each pocket flap **30** can be tucked within the pocket **26** and  
14 underneath the item **2** stored therein to indicate whether the item **2** is used or not,  
15 and the use of a first securing means (fasteners **44** and **46**) to keep the two folded  
16 sections **18** and **22** in a folded condition and an additional second securing means  
17 (fasteners **42** and **48**) to affix the main flap **40** over the two folded sections.

18

19           8g. Claims 1 and 5 of the '461 Application now claim that "two of  
20 the three sections are foldable onto a stationary section and having means for  
21 securing said two folded sections in a folded condition", and that each pocket "is  
22 also sized to be narrower than said top opening of said each pocket so that it can be  
23 tucked within said each pocket for respectively indicating which one of the  
24 reusable items contained therein have been used or not used". Claims 2-4 depend  
25 on Claim 1 and Claims 6-9 depend on Claim 5. It is believed that these  
26 amendment will distinguish the present invention claimed in Claims 1-9 from the  
27 device disclosed by *Bordes* or *Ruben*.

28

8h. For the reasons stated above, it is submitted that amended Claims 1–9 of the ‘461 Application are allowable under 35 U.S.C. § 103(a) over *Bordes* in view of *Ruben*. Accordingly, reconsideration and withdrawal of the rejection of these claims under 35 U.S.C. § 103(a) are respectfully requested.

6        9.      The Examiner's rejection of Claims 11, 15, 19, 22, 27 and 32 under  
7 35 U.S.C. § 103(a) over *Bordes* in view of *Ruben* is noted. Claims 11, 15, 19, 22,  
8 27 and 32 have been cancelled.

10        10. The Examiner's rejection of Claims 24, 25, 29 and 30 under 35 U.S.C.  
11        § 103(a) over *Ruben* in view of United States Patent No. 4,960,204 issued to  
12        Young *et al.* on October 2, 1990 for "Carry-on Travel Bag for Cosmetics" is noted.  
13        Claims 24, 25, 29 and 30 have been cancelled.

15        11. For the reasons stated above, it is submitted that all pending Claims of  
16 the '461 Application are in condition for allowance. Accordingly, reconsideration  
17 and withdrawal of the objection and rejection of these pending Claims are  
18 respectfully requested, and issuance of a Notice of Allowance of all such pending  
19 claims of the '461 Application is respectfully solicited.

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